

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

TIMOTHY DOYLE YOUNG,)
vs. Petitioner,) 1:11-cv-734-JMS-TAB
BUREAU OF PRISONS,)
Respondent.)

Entry Transferring Action to District of Colorado

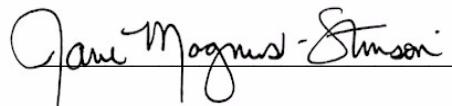
Timothy Doyle Young seeks his release from confinement by the Federal Bureau of Prisons at a prison in Florence, Colorado. To accomplish this goal he has filed what he has designated as his petition for a writ of habeas corpus.

A[T]here is generally only one proper respondent to a given prisoner-s habeas petition.[@] *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004). That one proper respondent Ais the person with the ability to produce the prisoner-s body before the habeas court.[@] *Id.* at 435 (internal quotation omitted). Young has not named his custodian, but this error can be cured. He has also included many statements extraneous to a challenge to the fact or duration of his confinement, but extraneous statements can be overlooked.

What cannot be overlooked, however, is the forum. Young is not confined in the Southern District of Indiana and this court has no personal jurisdiction over Young's custodian. Because Young is incarcerated in Florence, Colorado, his 28 U.S.C. § 2241 petition must be filed in that judicial district. See 28 U.S.C. § 2241(a); 28 U.S.C. §1631. When venue is improper, the district court has the discretion to either dismiss the case or transfer it "in the interest of justice." 28 U.S.C. § 1406(a). In this case, transfer of the case to the District with proper venue is the course which will be taken. See *Blumeyer v. Hollingsworth*, 2010 WL 1488522 (S.D.III. April 12, 2010) (court transferred 2241 petition when no appropriate respondent remained in the district after petitioner-s transfer)(unpublished); *Mitchell v. Bledsoe*, 2009 WL 3156689 (S.D.III. Sept. 28, 2009) (same) (unpublished).

THEREFORE, it is ordered that the above action is **TRANSFERRED** to the United States District Court for the District of Colorado.

Date: 06/14/2011


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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